

Remarks

Claims 1, 2, 5, 6, 8, 12, 13, 18, and 19 are pending. Claims 3, 4, 9, 10, 14, 16, and 20 are cancelled herein. Independent claims 1, 6, 13, and 19 are currently amended. In the Final Office Action of June 6, 2007, the Examiner rejected claims 1-6, 8-10, 12-14, 16 and 18-20 under 35 U.S.C. § 102(e) as being anticipated by U.S. Patent No. 6,625,747 to Tawil et al. (hereinafter “Tawil”).

I. Independent claims 1, 6, 13, and 19

The Examiner has rejected independent claims 1, 6, 13, and 19 as being anticipated by Tawil. Applicants respectfully submit that the cited reference does not anticipate the amended claims. Tawil standing alone does not contain each and every element of the claimed invention and, as such, the reference cannot anticipate the amended claims. “A claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference.” M.P.E.P. § 2131 (citing *Verdegaal Bros. v. Union Oil Co. of California*, 814 F.2d 628, 631, 2 U.S.P.Q.2d 1051, 1053 (Fed. Cir. 1987)); *Richardson v. Suzuki Motor Co.*, 868 F.2d 1226, 1236, 9 U.S.P.Q.2d 1913, 1920 (Fed. Cir. 1989) (“The identical invention must be shown in as complete detail as is contained in the . . . claim.”). In particular, Tawil fails to show at least one aspect present in independent claims 1, 6, 13, and 19.

With respect to independent claims 1 and 13, Tawil fails to teach a **table** that includes information regarding the logical **association** between **ports** and **storage controllers** of the storage area network. Claims 1 and 13 were amended to include this limitation from now-cancelled dependent claims 3 and 14, respectively. The published specification of the present invention states in paragraph [0012]:

Because the disclosed failover protocol involves a determination and analysis of the association of ports and storage controllers of each storage system, the disclosed storage protocol provides for the selection of an alternate storage path that has a greater likelihood of being operable in the event of a failure of a storage path.

These associations may be obtained from an inquiry page (27) and be used to build a data table (or record of available paths) (29) by a multipath driver (26), for example. (Spec., [0015]-[0023]). In contrast to the present invention, Tawil fails to disclose a table that includes information regarding the association between ports and storage controllers of the storage system or network. Applicants disagree with the Examiner's repeated assertion that a memory cache used to hold data prior to transferring it to a storage system is the same as a table containing available paths and associations between storage ports and controllers. Tawil, at best, discloses assigning a single world wide node name to a first and second controller associated with common storage, and a first and second world wide port name to a first and second port (one on each controller). (2:60-3:15 and col. 6) While Tawil does discuss the transfer of data from a memory cache associated with a failed controller to the other controller, Tawil fails to discuss what this memory cache contains. (Tawil, 6:17-25) Nowhere does Tawil discuss that this cache contains associations between ports and storage controllers in addition to available paths. A memory cache that holds data is not the same as the specific teaching of a **table** that includes information regarding the logical **association** between **ports** and storage **controllers** of the storage area network. As such, Tawil fails to anticipate independent claims 1 and 13.

With respect to independent claims 6 and 19, Tawil fails to teach a data or information **source** accessible by a driver that includes an identification of the **association** of **controllers** and storage **units** of the storage system. The specification of the present invention states, "The correlation of ports and controllers in the **inquiry page** permits the multipath driver

to access the inquiry page to assign a failover path that includes a controller that is different than the controller of the currently selected storage path.” ([0025]) This allows for a greater likelihood of locating a functioning storage path, and does so in a much shorter time frame. ([0026]) Additionally, multipath driver (26) may construct a data table (29) of available paths from data retrieved from inquiry page (27). ([0014]) In contrast to the present invention, Tawil fails to disclose a data or information source that includes an identification of the association of controllers and storage units of the storage system. While Tawil discloses two controllers associated with a common storage, each having a port, Tawil fails to teach a data source that identifies the association of controllers and **storage units**. Additionally, while Tawil does discuss the transfer of data from a memory cache associated with a failed controller to the other controller, Tawil fails to teach that this cache contains information identifying the association of controllers and storage units. A memory cache that holds data is not the same as the specific teaching of a **source** that includes information regarding the **association** between storage **units** and **controllers** of the storage area network. As such, Tawil fails to anticipate independent claims 6 and 20.

Tawil standing alone does not contain each and every element of the claimed invention and, as such, the reference cannot anticipate the independent claims, as amended. Applicants contend that independent claims 1, 6, 13, and 19 are allowable and respectfully request that the Examiner withdraw the rejection of these claims.

II. Dependent claims 2, 5, 8, 12, and 18

Dependent claims 2, 5, 8, 12, and 18 will not be discussed individually herein, as they depend from otherwise allowable base claims.

Conclusion

Applicants respectfully submit that the rejection of pending claims 1, 2, 5, 6, 8, 12, 13, 18, and 19 should be withdrawn and that these claims should be passed to issuance.

Respectfully submitted,



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